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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Ninth session

SUMMARY RECORD OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 1 December 1993, at 3 p.m.

Chairperson: Mr. ALVAREZ VITA

later: Mr. ALSTON

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GE.93-19755 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4) (continued)

Initial report of Senegal (E/1984/6/Add.22; E/C.12/1993/WP.15)

1. At the invitation of the Chairman, Messrs. Ibou Ndiaye, Amadou Lamine Fofana and Abdul Aziz Ndiaye (Senegal) took places at the Committee table.

2. Mr. FOFANA (Senegal) described the general framework within which articles 6 to 9 of the Covenant were applied in Senegal. The territory of the country, lying between 12°8' and 16°41' latitude north and 11°21' and 17°32' longitude west, covered 201,400 square kilometres. The population, estimated at 7,300,000 persons, 39 per cent of whom lived in urban areas, was unevenly distributed throughout the national territory. Population density, which was 2,707 persons per square kilometre in the Dakar region, was only 6 per square kilometre in the Tambacounda region, which accounted for one fifth of the country. The population was growing at a rate of 3.9 per cent a year. Growth was more rapid in the towns than in the country.

3. The breakdown of the population was the following: under 20: 58 per cent of males, 56.9 per cent of females; 20 to 59: 36.2 per cent of males, 38.4 per cent of females; 60 and over: 5.4 per cent of males, 4.7 per cent of females. According to the 1988 census, of the persons aged 15 and over, 53 per cent of males and 68 per cent of females were married. Foreigners registered as such represented 1.8 per cent of the total population.

4. There were seven main ethnic groups in Senegal: Wolof (42.7 per cent of the total population), Serer (14.9 per cent), Fulani (14.4 per cent), Tukulðr (9.3 per cent), Diola (5.3 per cent), Mandingo (4.2 per cent), Sarakole-Soniké (1.7 per cent), other (7.5 per cent).

5. Six languages were recognized by the Constitution: Wolof, which was spoken by 71.3 per cent of the population, Fula or Peular (24.6 per cent), Serer (13 per cent), Mandingo (6.6 per cent), Diola (5.5 per cent) and Sarakole-Soniké (1.5 per cent).

6. The Muslim religion was practised by 94 per cent of the population and by all ethnic groups. Christians were to be found chiefly among the Serer and Diola of the Casamance region and represented 5 per cent of the total population.

7. Demographic statistics showed life expectancy at birth to be 54 years, the adjusted infant mortality rate (age 0-1) to be 86 per cent, the adjusted child mortality rate (age 1-4) to be 113 per cent and the maternal death rate in urban areas and rural areas respectively to be 450 and 950 deaths per 100,000 births.

8. Economically, the country had to cope with the deterioration in the terms of trade, the devastating effects of the drought, the crushing burden of external and internal debt and the negative effects of structural adjustment measures. It needed, therefore, to redouble its efforts to protect the rights set forth in the Covenant.

9. Regarding employment, it should be noted that the activity ratio (active population/total population) had declined from 44 per cent in 1972 to under 30 per cent in 1992. Rural employment, which represented 92 per cent of total employment, was also declining, owing to the combined effects of the drought and the deterioration in the terms of trade. Paragraph 31 of the report (E/1984/6/Add.22) gave a brief account of the measures adopted by Senegal to improve the employment situation, restart the economy and develop training. In that connection, a vigorous literacy policy, for example, had been in effect since 1990. A Ministry of Literacy and promotion of the National Languages had been established. The illiteracy rate had declined from 86.8 per cent in 1976 to 79.6 per cent in 1988, for women between 15 and 49, and from 78.1 per cent in 1976 to 62.6 per cent in 1988, for men aged 15 and over.

10. As for Senegal's political history, it would be recalled that the country had become independent on 4 April 1960. The constituent assembly had decided that executive power would be exercised by a President of the Republic and a President of the Council of Ministers, legislative power by a unicameral Parliament and that a Supreme Court should exercise the functions attributed in France to the Constitutional Council, the Council of State and the Court of Cassation.

11. In 1963, the post of President of the Council of Ministers had been eliminated and a strong presidential system inaugurated; political parties had been suppressed and power exercised by a single party. In 1974, there had been an opening to democracy: three political parties had been authorized, representing the left, the right, and the centre, respectively. In May 1983, the post of Prime Minister, re-established in 1970, had been eliminated again and there had been a return to the presidential system. It should be noted, however, that the President had accepted a genuine multiparty system: the number of political parties was no longer limited and there were currently about 20 of them.

12. In 1991, a Prime Minister had once again been appointed, who was responsible to Parliament, and the office of Mediator of the Republic (Ombudsman) had been established. The Mediator was responsible for reminding the executive branch that the laws in force must be respected. In 1992, there had been a reorganization of the Supreme Council of the Judiciary, and judges elected by their peers henceforth had seats there beside the ex officio members. In addition, the Supreme Court had been abolished and replaced by a Council of State, a Constitutional Council and a Court of Cassation. The Electoral Code had also been revised: the voting age had been lowered from 21 to 18; henceforth, the President of the Republic could serve only two seven-year terms of office and, lastly, the judiciary had been made responsible for supervising the electoral process in order to guarantee that voting was free and transparent.

13. Regarding the general legal framework within which human rights were protected, it should be made clear that, on becoming independent, Senegal had declared itself bound by all the conventions on human rights to which France, the former colonial power, had been a party. Subsequently, Senegal had taken part in the preparation of all the international instruments on human rights. Senegal was thus party to a large number of international human rights instruments: 19 within the framework of the United Nations, 4 within the framework of ILO, 1 within the framework of UNESCO, 4 in respect of humanitarian law and 2 within the framework of the OAU.

14. It should be recalled that, under article 79 of the Constitution, "duly ratified or approved treaties or agreements shall, upon publication, have authority greater than that of laws". Accordingly, the provisions of those instruments could be invoked by any court and were immediately applicable. It should also be recalled that, at the administrative level, the Mediator of the Republic was responsible for admonishing public authorities which did not respect human rights.

15. At the legislative level, Parliament, which was the depositary of national sovereignty, watched over the protection of human rights, through commissions of inquiry and written or oral questions to the members of the executive branch.

16. Persons whose rights had been violated by a public authority were entitled to redress in the form of damages. The Senegalese Committee on Human Rights was an interministerial body responsible for assisting the Government in determining and carrying out its human rights policy. It could also intervene on its own authority in cases of human rights violations. The NGOs, numbering about a dozen, always alerted the supervisory mechanisms of the United Nations system whenever they had knowledge of a case of human rights violation.

17. Lastly, Senegal was in favour of the adoption of an optional protocol to the International Covenant on Economic, Social and Cultural Rights. It should be recalled, in that connection, that Senegal was already a party to the Optional Protocol to the International Covenant on Civil and Political Rights.

18. With regard to public information, it should be mentioned that all the international instruments to which Senegal was a party were widely publicized. They were translated into the various national languages.

19. The report (E/1984/6/Add.22) had been prepared by the Ministry of Justice in cooperation with the ministries and bodies concerned. The NGOs had also been consulted. It should be noted, however, that the report had not been the subject of public debate and had not been disseminated.

20. In labour matters, the Government was making efforts to combat unemployment and to ensure a more balanced distribution of the workforce by restarting the economy, increasing the resources of the Public Works Executing Agency (AGETIP), making use of all the opportunities offered by the dam on the Senegal River and restructuring the informal sector.

21. Regarding equal employment opportunities for men and women, it had to be admitted that steps needed to be taken in that area to change ways of thinking and remove certain prejudices.

22. With regard to the training/employment imbalance, it should be noted that, after the convening of the Education and Training States General in 1981, a follow-up committee had been appointed to press forward with coordination, which was still under way, with a view to strengthening the links between training and employment. A moderator had also been appointed to head a study group to look into ways and means of improving the university structures.

23. With regard to the right to just and favourable conditions at work, it had to be admitted that wage trends were very unfavourable. Wages had had to be frozen at the beginning of the 1980s to bring them into line with the country's real economic position. More recently, wages had had to be reduced in order to keep the national wages bill within limits compatible with the structural adjustment that was currently under way.

24. Turning to the question of the right to social security, he said that the retirement age was 55. However, for the military it was 52 and for judges and university professors, 65. Civil servants paid into the National Retirement Fund and workers in the private sector to the IPRES (see para. 146 of the report). Officials or workers were notified of their retirement one year before they were due to stop work. On the death of the pensioner, the surviving spouse received the reversion of half the pension. The Social Security Fund covered only those wage-earners who paid into it. The Government hoped that, in the future, it would be able to extend such social coverage to the other sectors of the population.

25. In conclusion, he expressed his delegation's willingness to respond to any questions that the experts might like to ask.

26. The CHAIRMAN, having thanked Mr. Fofana for his oral presentation, invited the members of the Committee to put questions to the delegation of Senegal.

27. Mr. SIMMA said he would like to know why Senegal had submitted its initial report on articles 6 to 9 of the Covenant so late.

28. Under article 79 of the Constitution of Senegal, "duly ratified or approved treaties or agreements shall ... have authority greater than that of laws" (para. 6 of the report). He asked whether there had already been cases in which the courts had declared a legal provision inapplicable because it was incompatible with the Covenant.

29. He also wondered about the actual effect of the guarantees provided in the human rights instruments. Since Senegal was a party to the Optional Protocol to the International Covenant on Civil and Political Rights, he inquired whether any private individuals claiming to have suffered a violation of their civil or political rights had lodged a complaint with the Human Rights Committee. If not, he asked why that Committee had not received any communication complaining about the Senegalese authorities.

30. Lastly, in connection with question 15 of the list of issues, he asked whether any non-governmental organizations had contributed to the preparation of the report being considered by the Committee and, if so, which. Also, he wished to know whether the Government intended to publicize the report and the Committee's concluding observations.

31. Mr. FOFANA (Senegal) explained to Mr. Simma that the long delay in submitting the report was due to the fact that economic, social and cultural matters came under three different Ministries and that it had been some time before the Government had decided to entrust the task of preparing the document to the Ministry of Justice.

32. He also said that the principle whereby international treaties took precedence over domestic law had never caused any problems in practice: there were cases in which the provisions of the International Covenant on Civil and Political Rights, for example, had been directly invoked before the courts and the judges had never failed to apply them correctly. He would provide the Committee with instances of case law in support of his statement.

33. With regard to the use made of the procedure established by the Optional Protocol to the International Covenant on Civil and Political Rights, he pointed out that the Human Rights Committee had received a communication in 1992 from a non-governmental organization about the problem of the Casamance region. The case was being considered and the Government was currently awaiting the Committee's findings. The Committee had also received a communication from a private individual of Senegalese nationality and would be considering it shortly. Lastly, he said that an interministerial committee had been set up in Senegal to assist the Government in determining, coordinating and applying human rights policies. One of that body's tasks was to invite non-governmental organizations to participate in the preparation of the reports which the Government was required to submit on the exercise of human rights, and those organizations had made an important contribution to the drafting of such documents.

34. Mr. TEXIER, said he, too, was disturbed by the time the Senegalese authorities had taken to submit the country's first report on the rights under articles 6 to 9 of the Covenant. It would be well if the problems Mr. Fofana had mentioned in that connection could be settled quickly, since the authorities still had to submit an initial report on the rights contained in articles 13 to 15, not to mention the second periodic report, which, according to the new procedure established by the Committee, should cover all the provisions of the Covenant.

35. The report currently being considered supplied a great deal of information and did not conceal the real difficulties that Senegal had encountered in ensuring the exercise of the rights in question, difficulties that were due to both internal and external factors - a long-lasting drought, external indebtedness and structural adjustments, for example. However, all countries had difficulties in that regard and, if the Senegalese authorities could be reproached for anything, it was for not indicating what corrective

measures they had taken or what results they had obtained - for example, the results that might have been achieved through the measures (referred to in para. 31 of the report) put into effect to counter the harmful effects of structural adjustment.

36. The same was true with regard to achieving equal opportunity and the advancement of women. Senegal had ratified nearly all the relevant international instruments and was obviously trying to comply with the international standards established in that area, but it remained true that perfect equality between men and women did not exist anywhere in the world. Among other things, it was hard to believe that, in Senegal, women had the same opportunities as men to find employment, since the illiteracy rate was much higher among women than among men. It would be interesting to hear what practical efforts had been made to achieve such equality, in particular with regard to promotion at work: for example, he wished to know how many women had achieved senior posts in the civil service and how many female managing directors there were in the private sector.

37. With regard to enjoyment of the rights specifically covered by articles 6 to 9 of the Covenant, he wondered whether trade-union freedom was actually achieved in Senegal where, according to the Labour Code, foreigners could not become trade-union executives (para. 129 of the report) and where strikes could not take place until after the conciliation process and arbitration procedure provided for in that Code had failed (para. 143). The ILO Committee of Experts had taken the view that such practices were not in accordance with the provisions of ILO Convention No. 87, and he would like to know what steps had been taken to limit the power of the authorities to impose arbitration with a view to stopping a strike, to ensure that trade-union organizations could not be disbanded by administrative decision, and to enable foreigners to run trade unions, as the Committee of Experts had recommended.

38. Mr. WIMER ZAMBRANO asked whether there was much immigration into Senegal, whether more people came to settle there from some countries than from others, and what types of political and legal protection the Senegalese authorities provided to refugees in connection with the articles under review.

39. Mrs. IDER asked for more information about the publicity given to the International Covenant on Economic, Social and Cultural Rights and the Government's reports in that connection. For example, she wished to know whether the text of the Covenant had been translated into the languages spoken in Senegal, whether the general public was aware of the rights set forth in the Covenant and, lastly, whether there was any public debate on the reports and on the Committee's concluding observations.

40. Regarding social security benefits, she asked whether retirement pensions were financed by the public sector or by those who were to benefit from them, what percentage of final remuneration those pensions represented, and whether they were adjusted to inflation. More generally, she would like to know whether the social security arrangements also provided coverage for persons working in the informal sector, which accounted for a large part of the population in all developing countries.

41. Mr. GRISSA, having noted that there were a number of ethnic and linguistic groups in Senegal, asked for details regarding the mobility of those groups and the real opportunities for their members to have access to the civil service and other employment. He inquired whether such persons addressed the administrative authorities in their own languages and whether they possessed media or other means of communication in their languages.

42. Mrs. AHODIKPE asked whether, in Senegal, a secular State in which the Muslim religion was dominant and polygamy was recognized, women were currently demanding that monogamy should be established by law and, if so, what the Government was doing to respond to their wishes. She also wished to know whether Senegalese women had the same succession rights as men.

43. Mr. CEASU said he noted that there would soon be some 7,000 persons with higher education qualifications, while the turnover of executives and higher technical staff - of whom there were some 5,500 - provided only 150 vacancies a year for graduates leaving university (para. 41 of the report). However, the number of pupils in middle-level education and general technical secondary education, and the average rate of increase in their number (paras. 39 and 40), suggested that the country was currently employing some 4,000 or 5,000 teachers at those levels: he wondered if their replacement in due course would not offer opportunities to persons with higher education. He also wondered what the situation was in the social sector.

44. It seemed to him that trade-union freedom was unduly restricted in Senegal, given the provisions of article 4 of the Labour Code, which stipulated that the exclusive object of trade unions was to study and defend economic interests (para. 126): he asked whether that meant that trade unions could not defend the social interests of workers. He also feared that the compulsory arbitration prescribed by the Labour Code when there was a strike warning (para. 143) hampered the exercise of the right to strike: it was quite conceivable that a conciliation process might fail, given that the recommendations of a committee appointed for that purpose were not binding, unlike the decisions of an arbitration tribunal which were usually obligatory. He inquired whether the rule established by the Labour Code in that regard was not tantamount to indirectly impeding the right to strike.

45. Mr. ALVAREZ VITA, speaking in his expert capacity, said he would like to know how many wage-earners - or "persons laid off for economic reasons" - had been affected by the structural adjustment measures applied in Senegal (para. 51 of the report), what steps had been taken to protect their rights, whether they were helped to find new jobs, and whether they received unemployment benefit.

46. With regard to discrimination against women, he noted that women were not allowed to have military and paramilitary jobs (para. 99). That was also the case in many other countries but, as a general rule, women did not want access to such jobs. It would be interesting to know why they did want it in Senegal.

47. He had been surprised to find that there was an African Confederation of Christian Workers in Senegal, where most of the population was Muslim, and he asked what the underlying principles of that association were and whether it

was a religious group which only Christians could join and which promoted Christian ideals. Regarding the restrictions on the exercise of the right to form trade unions (paras. 132 and 133), he would like to know whether the legal provisions establishing them were so categorical that it could be stated, as it was in the report, that the restrictions in respect of the armed forces and the police, the magistracy and the customs service would never alter. He also asked whether, in Senegal, diplomats had the right to belong to a trade union.

48. Lastly, he would like to hear the Government's views on the idea of drafting an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

49. Mr. Alston took the Chair.

50. Mr. MARCHAN ROMERO said he noted that, in 1989, the gross school enrolment rate in Senegal had been only 60 per cent and that 400,000 children did not attend school (para. 34 (c)). He asked whether the explanation of that phenomenon was that there were not enough schools or whether it was due to economic reasons which meant that children had to forego school in order to work.

51. Mrs. JIMENEZ BUTRAGUEÑO, taking up the question of equal opportunity and advancement, asked whether there were jobs other than strictly military ones to which women had no access (para. 120), such as the magistracy or university lecturing. She would also like further details of the associations for the defence of women's interests and, in particular, how strong they were, whether they were very militant, what demands they were making and what results they had achieved. She wondered, inter alia, whether they were pressing strongly for the establishment of monogamy by law.

52. Mr. RATTRAY said it was clear from the report that Senegal, like many other developing countries, was faced with considerable difficulties as a result of the implementation of adjustment measures and of underemployment. He would like to know, nevertheless, whether the new policy recognized the Government's particular responsibility to provide special protection for the most vulnerable Senegalese and those who were suffering most directly from the situation.

53. Noting that paragraph 40 spoke of a substantial increase in enrolment in general technical secondary education, he said that he failed to comprehend why there had been a drop-out rate of 35 per cent in the period 1990-1991. He was also worried about the 57,250 pupils who left school without any prospects for the future. He added that it would be interesting to know what practical steps the Government had taken to meet its obligation to the citizen which, according to paragraph 47 of the report, was to guarantee the right to work and to protection against unemployment and poverty in its political and economic options, in social and labour legislation and in sectoral development programmes. It would also be interesting to know what measures the Government had in mind for removing the restrictions on the recruitment of women for purely military jobs and thus applying the provisions of the Covenant prohibiting any discrimination on grounds of sex (para. 99 of the report).

54. He would like the representative of Senegal to clarify to the Committee the provision prohibiting foreigners from holding executive posts in trade unions, in the light of the relevant provisions of the Covenant.

55. Mr. FOFANA (Senegal) said that his country's second periodic report, which would be prepared by the Ministry of Justice, would be submitted to the Committee at the beginning of 1994.

56. On the question of the high unemployment rate and the proposed solutions, he said that the difficulties were caused by the structural adjustment measures in force for the last 10 years, which had dictated Senegal's agricultural and industrial policy as well as a number of deflationary measures aimed at reducing the country's wages bill. The industrial policy had involved closing down a number of undertakings and the agricultural policy had caused many peasants to migrate. The policy designed to limit the wages bill had enabled 7,000 to 10,000 wage-earners to benefit from a negotiated departure. The Public Works Executing Agency (AGETIP) had been established to give graduates financial help to set up private businesses and thus generate employment. His Government also had great expectations that the dams being built as part of the harnessing of the Senegal River would create new jobs in the agricultural sector. In addition, a special ministry had been established in 1992 to structure the informal sector, which provided a great many jobs.

57. On combating discrimination against women, he pointed out that Senegal's policy in that field was one of the most advanced in Africa, even though there were certain "pockets of resistance", such as the army and the fire brigade. The women's associations, which were very active, were working hard to bring about a change of attitudes. They had succeeded in obtaining some reforms, including the amendment of the provisions of the Family Code concerning the wife's legal domicile and those providing that a wife must obtain her husband's permission in order to hold a job. The Government, for its part, was doing its best to ensure that all public bodies were open to women.

58. The restrictions in force whereby foreigners could not hold executive posts in trade unions, referred to in paragraph 123, were designed solely to protect public security and thus did not constitute discrimination against foreigners, who were able, under article 4 of the Labour Code, to join trade unions. It was also on security grounds that Parliament had made the exercise of the right to strike subject to conciliation or arbitration procedures supervised by the authorities.

59. On education for foreigners, he explained that the Act of July 1967 on the situation of refugees gave refugees the same rights as Senegalese with regard to education and employment.

60. On the obligation to publicize the Covenant, he said that the Senegalese Government was acting to ensure the dissemination, in the national languages, of the main legal instruments on human rights. In addition, the Human Rights Committee and the NGOs had access to the public and private media and organized public lectures in the local languages for non-French-speaking Senegalese. The reports and observations of the Human Rights Committee and the Committee on Economic, Social and Cultural Rights were made available to the NGOs without restriction.

61. On pensions, he said that retired workers received a pension equivalent to three quarters of their final pay. The retirement pension was made up of contributions withheld from salaries and paid, by employers and employees, either into the National Retirement Fund or the Pensions Provident Institute, according to whether the persons concerned were civil servants or worked in the private sector. Also, all retirees benefited from medical insurance for themselves and their families and the retirement pension was exempt from income tax. Those provisions did not apply to the non-structured sector.

62. In response to the request from Mr. Grissa for more details on the subject, he said that the legal retirement age was 55 and the amount of the pension was proportionate to the number of years served by the retiree. However, for lack of means, the Social Security Fund did not cover the non-structured sector.

63. Regarding population mobility, he said that there was great inter-ethnic mobility in Senegal, largely related to the Senegalese predilection for trade, which was an activity that encouraged moving about, and much mixing between the different ethnic groups and religions.

64. Under the Constitution, French was the official language, while the national languages were used for oral communication, whether for administrative purposes or for addressing Parliament. However, French was used in the law courts and non-French-speaking persons appearing in court were assisted by an interpreter.

65. Polygamy was quite a major social problem. It was connected both with Islam and with time-honoured practices. In 1972, the authors of the Senegalese Family Code, anxious not to increase polygamy by prohibiting it, had chosen to offer three legal options with regard to matrimony. The future spouses were invited to choose, by mutual agreement, between monogamy, limited polygamy and full polygamy. It should be noted that Senegalese law in fact favoured monogamy, because, once the choice was made, it could not be altered except to become more restrictive.

66. Regarding the right to succession, he said that the Family Code provided for two different systems. The so-called ordinary law system, inherited from France, designated the wife and children as the heirs. For historical and religious reasons, the Senegalese legislature had been obliged to provide also for a so-called Islamic law system, which appointed as heirs not only the wife and children but also the parents and the other spouses. It must be admitted that the latter system was not favourable to women, since a son's share was double that of a daughter. If the deceased, as a convinced Muslim, had opted for that system, his wishes were law and any court to which a complaint was brought in that connection would have to confirm the system selected.

67. The establishment of trade unions was not subject to any restriction. Trade unions and political parties, which were both regarded as associations, were governed by articles 814 et seq. of the Code of Civil and Commercial Obligations. The legislature had been quite rightly anxious to ensure that politics and trade unionism did not mix, which was why it was stipulated that a union should defend only professional interests, all political or religious interests being excluded. Anybody who wished to set up a political

association was entitled to establish a party, which would be governed by the same provisions as the trade unions. To set up a union or any other association, it was sufficient to deposit its statutes with the Ministry of the Interior, together with the names of its officers. Foreign associations and national associations were subject to two different regimes, and to establish a trade union regarded as a national association it was necessary to possess Senegalese nationality. By "industrial, commercial, agricultural and craft-industry interests" (para. 134) was meant any economic interest relating to the enterprise. For example, a trade union could request the establishment of a purchasing cooperative or could set up a sports club. Clearly, the term "professional interests" was not restrictive but served simply to distinguish a professional association from an association for political purposes. In that connection, it should be explained that a political party could be established without restriction, on condition that the constitutional guarantees were respected, in other words that it did not identify itself with a specific linguistic, ethnic or religious group. It should also be noted that, at the outset the Senegalese trade unions had been branches of French unions, which explained how there had come to be a Confederation of Christian Workers, which had later become the African Confederation of Workers with Religious Beliefs. The provisions on forming trade unions, which one Committee member had found rather inflexible, were not expected to change, as was indicated in paragraph 133 of the report.

68. Regarding discrimination against women, he said that the women's associations were very powerful and had waged several successful campaigns, particularly with regard to employment. He would send the Committee a note giving details of the successes of women in that area. Until 1991, there had been a Ministry on the Status of Women - subsequently the "Ministry for Women, Children and the Family" - that had been particularly active and had set in motion a policy for genuinely advancing the rights of women. Women were in no way excluded from public life: there were 20 women in the National Assembly, there were three women ministers, there were women ambassadors and heads of firms, and the Social Security Fund was directed by a woman. Generally speaking, the advancement of women was one of the most important features of current Senegalese policy.

69. Further details had been requested about the fate of the persons laid off for economic reasons. As part of the policy of industrial restructuring, his Government had tried to encourage civil servants who had reached a certain age to leave voluntarily. It was a kind of early retirement. Those who had freely decided to leave were immediately given a lump sum proportionate to their years of service, the aim being to encourage them to go into private business so that jobs would be created. The "slimming-down" programme had been formulated in 1991 and the first payments had started in 1992. His Government was following the situation of those persons very closely through its Office for Reintegration and Employment, which gave them advice. It was still too soon to know whether their activities had been successful but there had been no cases of bankruptcy so far. The persons concerned knew that it was in their own interest to manage prudently the sums they received. The next periodic report would indicate whether or not the operation had been a successful one. From his Government's point of view, however, the target of the voluntary separation from service of 20,000 of 70,000 civil servants had not yet been achieved, since only 10,000 had left so far.

70. With regard to assistance to the most vulnerable groups, whose situation could be a matter of concern given the high rate of unemployment in Senegal, he admitted that the Social Security Fund was not in a position to pay those groups special allowances. However, Senegal was a country with a social conscience and, even in the worst periods of drought, there had been no deaths from hunger and the country had always played its part, even though it had had to appeal for international assistance. He had been asked whether any specific measures had been imposed on the private sector to protect employment. The employers had found the Labour Code, which had contained some very drastic provisions protecting the worker, too restrictive to enable them to support the New Industrial Policy made necessary by the general economic situation. Parliament, had therefore been obliged to amend those provisions so as to authorize employers to dismiss workers if necessary, or to renew fixed-term contracts several times. In the circumstances, it could hardly be said that measures had been imposed on the private sector in order to protect employment.

71. Lastly, his Government was very much in favour of drafting an optional protocol to the Covenant, which could not but help to ensure improved supervision of the implementation of its provisions.

72. Mrs. JIMENEZ BUTRAGUEÑO, coming back to the status of women, asked whether it was still necessary for a wife to obtain her husband's permission to exercise a profession, have access to credit for setting up an enterprise, or open a bank account. She emphasized that her question should not be regarded as criticism, since such practices had existed in her own country until quite recently. She was asking purely for information purposes.

73. The CHAIRMAN invited the Senegalese delegation to respond to the remaining questions at the next meeting.

The meeting rose at 5.55 p.m.